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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the High Commissioner for Human Rights pursuant to Commission on Human Rights resolution 2001/20

Situation of human rights in Sierra Leone

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I. INTRODUCTION

1. In its resolution 2001/20, the Commission on Human Rights requested the High Commissioner for Human Rights to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the situation of human rights in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone (UNAMSIL).

2. The Security Council, in its resolution 1370 (2001) of 18 September 2001, extended the mandate of UNAMSIL for a period of six months from 30 September 2001 and inter alia, expressed its continued deep concern at the reports of human rights abuses and attacks committed by the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and other armed groups and individuals against the civilian population, in particular the widespread violation of the human rights of women and children, including sexual violence, and demanded that those acts cease immediately.

II. HUMAN RIGHTS SITUATION

A. Reports of the Secretary-General to the Security Council and the High Commissioner to the General Assembly

3. Since the High Commissioner submitted her previous report to the Commission on Human Rights on the situation of human rights in Sierra Leone (E/CN.4/2001/35) in February 2001, there has been an improvement in the overall human rights situation, linked to the evolution of the peace process, the resumption of disarmament, the progressive deployment of UNAMSIL throughout the country, the gradual restoration of government authority and the increased responsiveness of government and rebel forces alike to human rights concerns.

4. An indication of the increased commitment of the Government of Sierra Leone to the protection of human rights was its ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 25 April 2001. The Parliament ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography on 21 August 2001. The Government also invited the Special Rapporteur on violence against women to visit the country in August.

5. The High Commissioner's latest report to the General Assembly (A/56/281) of July 2001 highlighted the progress which had been made in the peace process and its positive impact on the implementation of the human rights mandate of UNAMSIL. Since the High Commissioner submitted her report to the General Assembly, the Secretary-General has submitted the following reports to the Security Council: S/2001/857 of 7 September 2001, S/2001/857/Add.1 of 10 September 2001, S/2001/1195 of 13 December 2001 and S/2001/1195/Add.1 of 10 January 2002.[1] In his twelfth report on UNAMSIL (S/2001/1195), the Secretary-General acknowledged the continuing progress in the implementation of the peace process, particularly as it relates to disarmament, demobilization and reintegration. He noted the completion of disarmament in 10 of the 12 districts of the country, including the diamond producing district of

Kono and in Bonthe. These developments, including the deployment of UNAMSIL in all districts of the country and the progressive extension of the Government's authority, have, in turn, extended the scope for human rights monitoring, training and education on issues relating to truth, peace, justice, redress and reconciliation.

6. The month of May 2001 marked a watershed in the ongoing efforts to bring about a peaceful resolution to the conflict in Sierra Leone. The re-launch of the disarmament process on 18 May came about with the establishment of the joint committee on Disarmament, Demobilization and Reintegration (DDR). This followed a review of the implementation of the Abuja Cease-fire Agreement of 10 November 2000 (S/2000/1091, annex).

7. Since the setting up of the joint committee on DDR, tripartite meetings between the Government of Sierra Leone, RUF and UNAMSIL have continued to take place on a periodic basis. These meetings have provided the context for important confidence-building initiatives by both parties to the conflict, which have affected the human rights situation positively. For instance, in accordance with the pledge to release child combatants and abductees, between May 2001 and November 2001, the RUF handed over 2,080 children, while the CDF handed over 1,524. Since July 2001, the Government has released several groups of RUF detainees, including two former cabinet ministers. The Government also started to facilitate visits by human rights monitors to both the central and regional prisons.

8. On the political front, the RUF has sought increasingly to attain its objectives through negotiated political solutions and both sides have seemed prepared to compromise. The Government has facilitated the task of transforming the RUF into a political party by, inter alia, assisting it to acquire offices in Freetown, Bo and Makeni. The RUF backed down on its opposition to a six-month extension of the Government's term of office and its demand, along with some civil society groups, for the establishment of an interim government of national unity to lead the country until the next elections.

9. In September 2001, the Parliament voted to extend the state of emergency and the mandate of the Government and Parliament for a further six months, thereby postponing parliamentary and presidential elections until May 2002. The National Electoral Commission (NEC) has completed pre-electoral formalities and submitted a draft electoral law to Parliament. Twenty-two political parties have so far applied for registration and several political parties have been engaged in forming alliances. On 18 January 2002, the Government of Sierra Leone formally lifted the curfew, preparing the way for the electioneering campaign.

10. A National Consultative Conference was convened from 13 to 15 November in Freetown to address core electoral issues. With representatives of the Government, civil society groups and all political parties, including the RUF, in attendance, the Conference adopted 25 consensus resolutions, inter alia endorsing 14 May 2002 as the date for elections, adopting a district bloc representative system, lifting the state of emergency to allow campaign activities, and providing that political parties ensure women form at least 30 per cent of their representation in each district.

B. Extrajudicial, summary or arbitrary executions

11. Although the cease-fire has continued to hold, there have been a number of infractions involving attacks on the civilian population. Investigations conducted by the UNAMSIL Human Rights Section show that while the abuses were not systematic, they nonetheless constituted serious violations of human rights and grave breaches of international humanitarian law.

12. On 17 June 2001, armed CDF elements attacked Yaraiya village in Koinandugu district. UNAMSIL investigations of this attack indicated that at least 24 civilians, including 18 women and two children, were killed and another 15 wounded, including at least eight children. Sources also alleged that 66 houses were torched and properties were looted by the assailants. This attack appeared to be one of a series of CDF attacks on RUF positions in several villages in the Kono and Koinadugu districts. In apparent retaliation for these attacks, on 19 July 2001, the RUF attacked Henekuna village on the Koinadugu/Kono border, killing an estimated 19 civilians, abducting five females and burning at least 25 houses. Investigations by UNAMSIL human rights monitors revealed widespread attacks and counter attacks by the RUF and the CDF and vice versa in several villages in Northern Kono and Koinandugu districts. On 27 July 2001, UNAMSIL human rights monitors on a fact-finding mission to Henekuna village counted 10 bodies, those of five children, four women and one adult male. They saw five decomposing bodies, apparently of two women, two children and one man on the veranda of one burnt house. The skeletal remains of two other victims, presumably children, were behind and in front of two burnt houses respectively. The bodies of three other victims, presumed to be two women and one child, were lying in the nearby bush. Some bullet cases were also found on the site of the incident. The high rate of women and children victims of these attacks is a matter of serious concern and underlines the need to ensure the protection of civilians in conflict.

13. UNAMSIL human rights monitors also investigated attacks on the civilian population of the village of Seria in Koinadugu district, which was reportedly attacked by the RUF on 20 August 2001. According to accounts obtained from witnesses, the RUF captured around 13 men, beat them severely and cut them with knives. One man was shot dead after the beating and one other died later as a result of his injuries. The rebels were also said to have looted the village and set fire to most of the houses.

14. These human rights violations, as well as other reported skirmishes between the opposing factions, would appear to deviate from the general pattern of improvement in the human rights situation during most of 2001. While wanton attacks against the civilian population appear less prevalent, the issue of past human rights violations and grave breaches of international humanitarian law is assuming greater importance as hitherto inaccessible areas open up, allowing the deployment of human rights assessment missions.

15. In October and November 2001, UNAMSIL received information about a number of mass graves in villages in the Masimera and Maforki chiefdoms of the Port Loko district. In late November, the UNAMSIL Human Rights Section, in collaboration with the UNAMSIL Civilian Police, made the first of a series of visits to Taindicome and Nonkoba villages in the Masimera chiefdom to investigate mass graves allegedly found in the area. The aim of the visits was both to conduct a preliminary assessment of the allegations and to explore possibilities for the

preservation of the gravesites. Human rights officers were able to identify and interview witnesses to the alleged 1999 massacre at Taindicome village. They also visited the alleged graves and made a video and photographic record of both the evidence and the witnesses.

16. The visits to the alleged gravesites confirmed allegations made by witnesses that some of the gravesites contained human remains, as human skulls were surfacing from the ground in some cases. Whilst the villagers were able to identify the exact locations of some of the bodies, allegations that specific individuals were buried in at least one of the graves could not be conclusively proved without expert forensic analysis. The villagers were also unable to confirm the number of bodies buried in each gravesite.

17. Witnesses described the events leading up to the alleged massacre as follows. On 28 April 1999, an armed group of Armed Forces Revolutionary Council (AFRC) forces and RUF combatants, repelled from the Occra Hills by soldiers of the Economic Community of West African States Monitoring Group (ECOMOG), attacked Taindicome village. The majority of the villagers were captured and kept together with at least 50 other civilians who appeared to have been captured from other villages. About a week after the attack on and occupation of Taindicome, 47 people from the village and approximately 50 of those abducted elsewhere were killed. Several eyewitnesses related that the victims were beaten to death, predominantly with machetes, hoes or sticks to the head. They reported that the victims were buried in different sites by the assailants on the direct orders of one of their commanders. The witnesses also alleged that rape, torture and forced labour were commonplace during the period of the occupation and when the majority of those who survived were forced to proceed to Lunsar with the assailants, in the face of attacks by the CDF.

18. UNAMSIL, in consultation with the Government of Sierra Leone, has been involved in establishing appropriate methodology and protocols for the preservation of the sites. At the request of UNAMSIL, the Office of the High Commissioner for Human Rights (OHCHR) has entered into discussions with a team of forensic experts with a view to their conducting a preliminary forensic analysis of the sites.

C. Refugees and internally displaced persons

19. The situation pertaining to internally displaced persons (IDPs) and refugees in Sierra Leone has undergone considerable change in line with the new political climate prevailing in the country. The Security Council has shown considerable interest in this question. In resolution 1346 (2001) of 30 March 2001 it requested the Secretary-General to submit to the Council his views on how to take forward the issue of refugees and internally displaced persons, including their return. The Secretary-General did so in his report of 23 May 2001 (S/2001/513) In its resolution 1370 (2001) of 18 September 2001, the Council requested an update. At the time of submission of the present report the update is still outstanding. In the second quarter of the year, there was a decrease in fighting between the opposing factions and a willingness on the part of the RUF to allow rapid UNAMSIL deployment throughout the country. The impact of the improvement in the security situation was almost immediate and resulted in an influx of Sierra Leonean refugees returning from Guinea, and to a lesser extent from Liberia. The Office

of the United Nations High Commissioner for Refugees (UNHCR), in coordination with the Government of Sierra Leone, assisted those refugees returning on a voluntary basis. By March 2001, UNHCR estimated that between 2,000 and 2,500 refugees were returning to Sierra Leone a week.

20. Many refugees returning from Guinea told similar stories of abuse in the hands of the Guinean armed forces and local militia. Newly arrived refugees reported incidents of beating, looting and rape. Allegations by some refugees that they were also harassed by the RUF as they crossed into Sierra Leone were denied by the RUF. The complexity of the situation in Guinea meant that providing adequate protection and assistance to the refugees who remained behind was a difficult problem. Once in Sierra Leone, the refugees were classified as returnees and taken by UNHCR to transit centres where they remained until resettlement.

21. The situation of Sierra Leone refugees in Guinea deteriorated in April and May 2001 when the Guinean army embarked on a military campaign to rid the country of RUF and suspected RUF sympathizers who allegedly were using the refugee camps as hideouts to launch attacks against the host country. This led to a refugee crisis along the border in Kambia district, where an estimated 30,000 people were displaced. Most of the newly displaced were settled in IDP camps in the south and west of the country. By December 2001, the improved security situation due to the completion of demobilization, the deployment of the Sierra Leone army, the presence of military observers and the restoration of State authority had created a new positive dynamic in the situation of IDPs and returnees. Some IDPs had begun to return to their homes as a result. At the time of writing the present report, in December 2001, UNHCR was preparing to help some 7,500 Sierra Leoneans, formerly refugees in Guinea, return to their homes in Kambia district. This would be the first time that returnees are assisted by UNHCR to return to their original homes since the beginning of the armed conflict more than a decade ago. The returnees concerned actually returned from Forecariah, Guinea, to Sierra Leone at the end of 2000. However, they could not return to their homes immediately and were cared for under temporary settlement programmes supported by UNHCR in communities in the Lungi area, north of Freetown.

22. Recent statistics from UNHCR indicate that it has assisted 59,826 returnees from the subregion back into Sierra Leone since the beginning of 2000. UNCHR has also supported returnees in their areas of return through several community-based projects, including health clinics, schools, water and sanitation, market places and support to the local administration. UNHCR has also supported the distribution of seedlings and tools, and micro-credit schemes to assist the re-establishment of returnees.

23. In concert with a number of national and international organizations, the National Commission for Resettlement, Rehabilitation and Reconstruction (NCRRR), has started implementing the first phase of its programme of resettlement of IDPs to government declared safe areas. This was preceded by a series of assessment missions to those areas to determine their suitability for resettlement. The process began in Port Loko district with the distribution of resettlement packages to 1,705 families, totalling 12,379 people. By the end of May 2001, the International Organization for Migration (IOM) had transported 7,009 registered IDPs to new settlement areas. As of June 2001, the Office for the Coordination of Humanitarian Affairs

(OCHA) estimated that a total of 40,498 IDPs had been resettled in safe areas. Of these, 4,543 were IDPs from the western area who had registered for the second phase of resettlement.

24. Improvements in the security situation in various parts of the country have led to many IDPs expressing a desire to return to their places of origin. Of the 149 chiefdoms in the country, 76 have been declared safe. NCRRR, along with other humanitarian organizations, have continued to carry out assessment missions in these new areas and through the District Resettlement Assessment Committees report on the feasibility of resettling new areas. However, there are considerable obstacles to overcome in the resettlement process for IDPs. An assessment mission to Kono district, for instance, drew attention to the degree of destruction caused by the conflict, and the almost total absence of basic infrastructure, economic activity, public services and civil authorities. Notwithstanding, IDPs continue to return, sometimes on a voluntary basis. NCRRR estimated that the rate of return to Kambia in May 2001 was approximately 100 persons per day.

25. In view of the improving situation in the country, NCRRR and OCHA have recently completed a programme of re-verification of IDP and returnee transit camps in the western area, and intend to repeat the exercise in other areas of the country. Some of the smaller IDP and returnee transit camps will be phased out as the numbers of IDPs and returnees reduce. Assistance will be targeted at community based rehabilitation rather than emergency relief within the camps. The consolidation of some of these camps in the western area is planned to commence early in 2002.

26. Despite improvements in the rate of return related to the progress in the implementation of the peace process, the IDP and refugee population remains substantial. As of November 2001, the total IDP population in camps and in host communities was estimated at 247,000, of which 126,959 were resident in officially recognized IDP camps. UNHCR estimates that there are approximately 510,000 Sierra Leonean refugees who remain displaced in the subregion and that about 200,000 of them reside in neighbouring Guinea and Liberia.

D. Children and armed conflict

27. During the decade-long conflict in Sierra Leone, children have been the victims of myriad physical, mental and sexual abuses, ranging from separation, displacement, abduction, and drug abuse, to forced recruitment and use as combatants, and rape. Progress in the peace process and the commitment of the parties involved to the DDR programme have led, since the beginning of 2001, to the disarmament and demobilization of 3,834 children, including 241 girls. All child ex-combatants and separated children, released mainly from the RUF (2,190) and CDF (1,623) who registered in the DDR programme in this period, have been handed over to child protection agencies supported by the United Nations Children's Fund (UNICEF), for rehabilitation and reintegration.

28. On 25 October 2001, UNAMSIL participated in the reunification of separated children and child ex-combatants from Bombali district with their families in Makeni. In a ceremony

presided over by the Special Representative of the Secretary-General, a total of 95 children, including three girls, who had been in the care of Caritas Makeni since their release by the RUF or other fighting forces, were reunited with their families.

29. UNAMSIL, in conjunction with UNICEF and other child protection agencies, continued to express concern about the low percentage of girls released so far by the fighting forces. This situation could be a function of the fact that many girls abducted by the various fighting forces were used not only as combatants in the armed conflict, but were also forced into sexual services or unwillingly taken as "bush wives".

30. All steps are being taken to ensure that the reconciliation, accountability and rehabilitation processes being put in place under the auspices of the United Nations are tailored to respond to the special needs of children. In this respect, an important precedent was set on 21 November 2001, when a 14-year-old former child combatant from Sierra Leone addressed the Security Council as that body examined the issue of children and armed conflict. The ex-combatant told the Council how he was kidnapped from his village in 1997 by the RUF and forced to kill, cut limbs, burn houses and destroy property. He also spoke of his struggle to reintegrate back into society. This was the first time that a child has addressed the Security Council.

31. The issue of children has deservedly received special attention in the preparations for the establishment of the Truth and Reconciliation Commission (TRC). From 4 to 6 June 2001, UNICEF in collaboration with UNAMSIL and the National Forum for Human Rights held an expert meeting in Freetown. The aim was to define the framework for participation and protection of children in the TRC process. National and international experts who participated in the meeting explored the extent to which children were affected by the armed conflict in Sierra Leone and how the TRC could deal with child offenders. Among other things, the experts recommended that the work of the TRC on children be guided by the protection principles enshrined in international instruments. They also recommended that the protection of children be assured throughout the TRC process, including through ensuring confidentiality and anonymity in the process, and allowing the children to participate voluntarily. The technical meeting emphasized the need for collaboration with child protection agencies working in Sierra Leone to ensure that the TRC builds upon ongoing processes of reintegration and reconciliation. The meeting also recommended that special attention should be given to the situation of girls, particularly as it relates to gender-based violence during the conflict.

E. Women's rights

32. The extent of the sexual violence that characterized the Sierra Leone conflict is only becoming evident as the reports of scientific research on the issue become public knowledge and hitherto inaccessible areas of the country open up. A recent report co-sponsored by UNAMSIL and an international NGO to establish the prevalence and impact of sexual violence during the conflict graphically portrays a hitherto under-reported phenomenon. During the research, 733 randomly selected women, of whom 143 or 19.5 per cent were girls aged between 6 and 17, were interviewed. Of these, 72.9 and 52.3 per cent reported experiencing human rights violations and

sexual violence respectively; 47.1 and 26.1 per cent were raped or gang-raped respectively. Approximately 41.7 per cent of the interviewees had been abducted and 3.4 per cent had been forced to marry their abductor. It is estimated that approximately 50,000 to 60,000 IDP women were victims of rape.

33. These findings are consistent with the outcome of a data-gathering project on war-related sexual violence conducted by the United States-based Physicians for Human Rights and a Sierra Leone gender expert with the assistance of OHCHR and UNAMSIL. The survey showed that a striking 94 per cent of 991 households randomly selected reported that at least one family member had been a victim of an abuse. The greater part of these abuses occurred between 1997 and 1999 and the majority of the perpetrators identified were RUF. The full report of this project will be published shortly. It depicts a disturbing and under-reported pattern of violence and abuse against women and promises to be an important tool for advocacy on this important issue.

34. At the invitation of the Government of Sierra Leone, the Special Rapporteur on violence against women conducted a fact-finding visit to Sierra Leone from 21 to 29 August 2001. During her visit the Special Rapporteur visited Freetown, Kenema, Bo and Makeni. She met with senior members of the Government, the RUF high command, officials of UNAMSIL, representatives of several women's groups and members of the diplomatic community. She took numerous testimonies and was presented with 100 written testimonies from women victims of war-related sexual violence.

35. Upon the conclusion of her visit, the Special Rapporteur gave a press briefing in which she confirmed what had already been known as the hallmark of the Sierra Leone conflict, namely, systematic and widespread rape and sexual violence directed against women of all ages, including very young girls, individual and gang rape, sexual assault with objects and sexual slavery. Women were generally abducted, raped and/or killed or forced into marriages with their abductors. Many of the girls that were subsequently released were pregnant, nursing mothers or had been infected with sexually transmitted diseases. Girls as young as 4 years were abducted and raped. She also expressed concern about the country's commitment to the Convention on the Elimination of All Forms of Discrimination against Women and condemned, among other things, traditional practices that are harmful to women, including female genital mutilation, and discriminatory laws on inheritance. She recommended that the war-time experiences of women and their post-conflict needs should be taken into account in the formulation and implementation of policies relating to the demobilization, disarmament and reintegration process. The process, she recommended, should also provide the necessary conditions to enable those women and girls who had been forced into matrimonial or other relationships to leave demobilized combatants, if they wished to. She called attention to the special needs of dependants of combatants or camp followers in a DDR process. The detailed report of the fact-finding mission is contained in an addendum to the report of the Special Rapporteur to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2002/83/Add.2).

36. Civil society groups and non-governmental organizations played an important role in briefing the Special Rapporteur on the situation of women in Sierra Leone. A series of research projects that have been undertaken supplied a wealth of information on the plight of women in Sierra Leone. According to some of their findings, the 10-year civil war has had an adverse and devastating effect on over 80 per cent of the female population. The war has provoked a great

deal of migration from rural to urban areas. Women have been forced to live in camps with virtually no economic basis on which to support their families, many of them now being heads of household. There are many problems adversely affecting women's health, from malnutrition to maternal infirmities. Women die from complications such as haemorrhage, anaemia, obstructed labour and legal abortion. Female genital mutilation and polygamous marriages put women at increased risk of infections, including HIV/AIDS. Fewer girls than boys are registered in educational institutions (24 per cent compared to 43 per cent) and girls have a higher drop-out rate. Over 90 per cent of women work in the informal sector and are barred from owning land. They are discriminated against in trading and small-scale enterprise and have very limited access to credit, relevant training, information and technology. One of the most disturbing characteristics of the civil war has been the incidence of violence committed specifically against women.

37. In the context of the disarmament process in the northern districts of Bombali and Tonkolili during the months of October and November 2001, human rights officers carried out over 100 interviews with women ex-combatants and women who had been abducted by the RUF, popularly known as "camp followers". This was done to assess the situation of the women and in some cases, advice and assistance was offered to those wishing to leave their abductors.

38. In November 2001, the UNAMSIL Human Rights Section provided substantive support to the team from the Training and Evaluation Service of the Department of Peacekeeping Operations (DPKO), which conducted a two-week training on gender in peace keeping. The programme involved over 1,000 UNAMSIL peacekeepers and civilian personnel from both Freetown and the provinces. Local human rights activists and women's organizations were invited to enrich the training and contribute a domestic perspective on gender issues. The activity represents one of the efforts to mainstream gender into UNAMSIL operations.

F. Detainees under the state of emergency

39. With regard to detention issues, the period under review has seen important shifts in government positions, demonstrated by the release of "safe custody" detainees held under the state of emergency since May 2000, and a more open and cooperative attitude towards the prison monitoring work of the UNAMSIL Human Rights Section. This has provided an appropriate framework for independent assessment of the conditions of detention in the national prisons.

40. In May 2001, the RUF spokesman declared at a tripartite meeting (see para. 7 above) that 11 detained RUF members had died in Freetown Central Prison. These deaths were the subject of a Human Rights Section investigation, which established that at least 15 detainees had died, including the high-ranking RUF member who died subsequently on 21 July 2001. According to detainees interviewed in the prison, many of the deaths could have been due to poor nutrition and inadequate medical care. Additionally, some detainees alleged that they were tortured on 18 March 2001 following riots in Freetown Central Prison on 14 March. According to them, torture was the direct cause of the death of at least two RUF members. The Government categorically denied this allegation stating that prison deaths had been due to natural causes and not torture or inadequate care.

41. On the positive side, the number of persons detained pursuant to the Public Emergency Regulation 1999, (Public Notice 3 of 1999), who have been in custody without charge or access to legal counsel and information since May 2000, dropped from more than 200 in July 2001 to 114 men and women by the first week of November 2001. Since the first meeting of the joint committee on DDR in May 2001, advances in the peace process have led the Government to release some of the detainees as a confidence-building measure. Since July 2001, a total of 129 individuals, including leading RUF members, have been set free. Notwithstanding this, the continued detention of 114 others remains of serious concern, especially considering that they are yet to be charged and only some of them are held under the emergency regulations.

42. With the lifting of restrictions on access in the second half of the year, prison visits by human rights officers have allowed for independent assessment of the conditions of detention. Assessment visits have been carried out in Freetown Central Prison and the regional prisons in Bo, Kenema, Pujehun, Bonthe and Moyamba. While the conditions of detention and general treatment of prisoners in Pujehun and Bonthe were judged to be humane, Kenema, Bo and Moyamba prisons were in critical states of disrepair owing to years of neglect. None of the latter were considered as meeting the minimum international standards. Children, and detainees on remand and awaiting trial were held in the same prisons as convicts. There was a serious problem of overcrowding with up to 12 detainees in cells designed to accommodate only 4 persons. Additionally, there was no clear separation of men, women and children, who shared the same courtyard during the day.

43. The current prison population of the six functioning detention centres in Sierra Leone, is 586, of whom 372 are detained in Freetown Central Prison. This prison has a higher concentration of prisoners than all the other prisons put together because a majority of judicial officials are based in the capital. Other factors affecting the prison population include understaffing of the judiciary. Twenty men and women serve as judges and magistrates for the whole country. There is also an acute shortage of public prosecutors. Eighteen lawyers work for the Law Officers Department, six of whom are affiliated to the Office of the Public Prosecutor. In the provinces, the judiciary is almost non-existent, with the exception of Bo and Kenema, where magistrates have been assigned. Other regions receive itinerant magistrates and law officers on an ad hoc basis. These shortcomings have contributed to prolonged pre-trial detention and the failure to prosecute many suspected criminals.

G. Freedom of the press

44. In mid-September 2001, seven Sierra Leone journalists reportedly received a written threat stating all seven must die before the elections, in a letter postmarked Freetown and signed by an unknown group. These journalists were known to be against the extension of the Government's mandate and to have publicly campaigned for the National Consultative Conference. Members of UNAMSIL Human Rights Section spoke to some of these journalists, who professed to be unaware of the source of the death threats. The Government publicly denied any involvement.

III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE

A. UNAMSIL and the Human Rights Section

45. UNAMSIL was established pursuant to Security Council resolution 1270 (1999) of 26 October 1999. UNAMSIL has both civilian and military components consistent with its multidisciplinary mandate to cooperate with the Government of Sierra Leone and other parties in the implementation of the Lomé Peace Agreement, as well as in the disarmament, demobilization and reintegration (DDR) process. The military strength of UNAMSIL reached its authorized full strength of 17,500 in November 2001 and the Mission has deployed to all districts of the country. All Security Council resolutions on the situation in Sierra Leone since the establishment of UNAMSIL, including the most recent, resolution 1370 (2001) of 18 September 2001, have emphasized the importance of effective action on the issues of impunity and accountability and respect for human rights in the country. In order to meet these challenges, UNAMSIL has a Human Rights Section with an authorized staff strength of 20 human rights officers, including two United Nations Volunteers (UNVs). The Section has requested six additional positions, including two UNVs, during the 2002/2003 budget year. The increased staff strength will improve the potential of the Section to ensure the successful implementation of human rights activities in a vastly improved operational environment. At various times in 2001, the Section operated at between 75 and 80 per cent of its authorized staff capacity owing to delays in the recruitment process and difficulties in identifying, deploying and retaining qualified staff in a difficult duty station. OHCHR has been consulting with the Department of Peace-keeping Operations (DPKO) at the highest levels to streamline the recruitment process and shorten the time between identification and deployment of field staff. Proposed changes would also include an effective system to respond more rapidly and efficiently to situations of high staff turnover.

46. The broad range of human rights activities of UNAMSIL, including support to the building of human rights infrastructure, is set out in various resolutions of the Security Council and the Commission on Human Rights. Aspects of this mandate are also covered by the human rights provisions of the Lomé Peace Agreement and the Sierra Leone Human Rights Manifesto adopted during the visit of the High Commissioner in June 1999 (see E/CN.4/2000/31, para. 26). The human rights mandate of the Mission includes monitoring, training, capacity building, technical cooperation and advocacy. The Section has also taken up the additional responsibility of assisting OHCHR in implementing its mandate to support the establishment of the Truth and Reconciliation Commission (TRC) for Sierra Leone. To assist the effective implementation of the Section's mandate, OHCHR supported it in designing specialist positions for national institutions, the rule of law, training and civil society, child rights, gender and truth and reconciliation issues.

47. The relationship between OHCHR and UNAMSIL emanates from the Memorandum of Understanding (MOU) between OHCHR and DPKO. This relationship is further strengthened by the terms of the Sierra Leone Human Rights Manifesto adopted in June 1999 during the visit of the High Commissioner. The MOU recognizes that respect for human rights is fundamental to the promotion of peace and security, and a unified United Nations approach is essential to fostering the achievement of these two Charter-mandated objectives in the country. Thus, it

seeks to place the promotion and protection of human rights at the centre of United Nations efforts to prevent conflicts, to maintain peace and to assist in post-conflict reconstruction. UNAMSIL has provided a context for the practical implementation of the MOU between OHCHR and DPKO. OHCHR notes with satisfaction that progress has been made in the integration of human rights and the Human Rights Section in the work and operations of UNAMSIL. The Human Rights Section is included in mainstream activities of the Mission and has also undertaken, with the agreement of the Special Representative of the Secretary-General, additional responsibilities in support of specific OHCHR activities in Sierra Leone.

48. With the substantive backstopping of OHCHR, the Human Rights Section identifies human rights issues of concern in Sierra Leone. In collaboration with OHCHR, it develops projects and programmes to address the issues. These activities are sometimes funded directly by OHCHR or by others through OHCHR. The Section, in collaboration with other United Nations agencies, established a Sierra Leone human rights committee, which meets fortnightly, providing a forum for consultations and the exchange of ideas and information between the various actors, both local and international. The human rights committee has continued to serve as an important instrument for UNAMSIL to strengthen its relationship with the human rights community. The committee's bi-monthly meetings bring together over 25 representatives of national and international NGOs, and United Nations agencies, and offer an opportunity to exchange information and skills on human rights issues. These meetings are sometimes devoted to special themes, such as prison conditions, child rights, violence against women or the Word Conference against Racism. This initiative has been replicated on a monthly basis in the eastern region of Kenema since August 2001.

49. The Section has also developed an important relationship with the umbrella organization of local NGOs, the National Forum for Human Rights, through the implementation of joint human rights activities.

B. Activities in the field

50. In response to the improved security situation and the full deployment of UNAMSIL in all districts of Sierra Leone, the Human Rights Section is working to increase its presence in the field and has started to establish satellite offices in provincial locations. The Section has already opened two regional offices and has widened its activities through providing human rights clinics in hitherto inaccessible areas. The Eastern Regional Office based in Kenema opened on 2 May 2001. The Northern Regional Office based in the provincial capital of Makeni opened on 25 September 2001. Makeni was formerly the headquarters of the RUF. The regional offices implement the full range of human rights activities covered by the mandate of UNAMSIL, including training, monitoring and reporting, as well as raising public awareness of human rights, international humanitarian law and the TRC.

51. The Eastern Regional Office in Kenema is composed of two human rights monitors. During its first six months of operation, the office conducted seven training sessions on human rights and international humanitarian law for over 200 officers and men, including reservists of the 3rd Brigade and 10th Battalion of the Sierra Leone army. It also held five training sessions for over 100 officers of the Police Force. The regional office also monitored the registration of returnees through Caritas, Kenema and their relocation to IDP camps in Barri chiefdom

(Pujehun district). It conducted regular assessment visits to IDP camps, including the Blama camp where nearly 15,000 IDPs from the districts of Kailahun and Kono reside. As part of its civic education activities, the Kenema team facilitated the "UNAMSIL Hour", a weekly radio programme covering human rights issues.

52. The Northern Regional Office is composed of three human rights monitors covering the Bombali, Tonkolili and Koinadugu districts. The office conducted investigations into the illegal arrest and detention of criminal suspects by the RUF in Makeni, as well as allegations of illegal detention of individuals by CDF members in Kabala. It has also implemented sensitization activities, mainly on the TRC. During the disarmament phase of the peace process, the office ran sensitization workshops for over 1,000 RUF and CDF ex-combatants in the demobilization camps of Bombali and Tonkolili districts.

53. It is envisaged that the UNAMSIL Human Rights Section will open additional regional offices once it attains its authorized staff strength, including the newly requested positions for the 2002/2003 budget year. In the interim, the areas outside the jurisdiction of the existing regional offices are being covered by human rights monitors and specialists based in Freetown. The Freetown headquarters continue to carry out investigations in the areas outside the jurisdiction of the two regional human rights offices.

C. Training

54. Owing to improvements in operational conditions in 2001, human rights promotion, education, advocacy and capacity building through training in Sierra Leone intensified. The major areas of activity were support for Sierra Leonean institutions in the promotion and protection of human rights, capacity building in civil society through cooperative work with local NGOs, and flexible responses to the evolving peace process.

55. The Section has conducted a series of human rights training sessions with the Sierra Leone Police (SLP), the Sierra Leone Military Police (SLAMP), the Sierra Leone Army (SLA) and the new recruits from the growing pool of ex-combatants slated for incorporation into the largely British trained new SLA. Over 15 sessions covering a range of human rights issues, with a focus on minimum use of force, arrest and detention procedures, and community policing, have been conducted for some 100 senior officers of the SLP.

56. The SLAMP and SLA have also received the equivalent amount of training with a focus on political accountability within the armed forces and a reinforcement of training on international humanitarian law issues, guidelines on the treatment of internally displaced persons, and refugee law. The majority of this training took place between February and April 2001 at the Bengwema training centre and at the Wilberforce barracks education centre. The sessions were aimed at ensuring the sustainability of the human rights education programme by targeting a core group of 150 trainers who will in turn train others. More recent work, in July and August 2001 targeted groups of ex-RUF and CDF who are being incorporated in the SLA through the Military Reintegration Programme spearheaded by the International Military Assistance and Training Team. Ongoing SLA training for forces in the field has also continued through the joint efforts of the Human Rights Eastern Regional Office in Kenema and headquarters in Freetown.

57. The Section is also working with several local NGOs on a variety of human rights topics. The Campaign for Good Governance (CGG), an NGO supported by grants from the Open Society Institute, has benefited from four one-day sessions on human rights investigation and reporting techniques for its field monitors. The Fourah Bay College launched a human rights clinic in February 2001 and has worked with the Human Rights Section on several occasions, most notably in March 2001 in conjunction with Yale University Law School and in July 2001 on questions relating to the TRC. Other NGOs and institutions have benefited from direct cooperation with the Section, especially on sensitization for the TRC. These organizations include the National Forum for Human Rights, Caritas Makeni, the Inter-Religious Council, Youth for a Sustainable Lomé Agreement, Forum of Conscience and the World Council on Religion and Peace.

58. In November 2001, the Section conducted a two-week "training of trainers" workshop for five religious leaders from the Christian and Muslim communities affiliated with the World Conference on Religion and Peace (WCRP). The training prepared the religious leaders to raise awareness concerning human rights issues in their communities.

D. Training and the disarmament, demobilization and reintegration process

59. From May to November 2001, the Human Rights Section conducted a series of interventions in the disarmament, demobilization and reintegration (DDR) camps. This followed an agreement with the National Commission for Disarmament, Demobilization, and Reintegration (NCDDR) allowing the Human Rights Section to participate in the pre-discharge orientation programme. The programme was designed to facilitate the reintegration aspect of DDR for ex-combatants. Under this programme, the Section provided sessions focusing on human rights and the TRC for former RUF, CDF and child combatants.

E. Capacity building and advocacy

60. Under the guidance of OHCHR, the UNAMSIL Human Rights Section proposed three human rights projects for funding in the 2002 Annual Appeal of OHCHR and 2002 Consolidated Appeals Process. The three projects were designed with the long-term objective of strengthening local and regional capacity to address, prevent and document human rights abuses in the country. The first is entitled, "Support for National Institutions" and aims to provide technical and material assistance to support the establishment of an independent national human rights commission in Sierra Leone and the strengthening of the office of the Ombudsman.

61. The second project aims to support the Law Centre for Legal Assistance (LAWCLA). LAWCLA was founded in March 2001 by a group of Sierra Leonean lawyers to facilitate access to legal services for Sierra Leoneans as an essential element for the establishment and maintenance of the rule of law in the country. LAWCLA, a public interest law centre, provides free legal services to indigent members of the public and plans to undertake impact litigation on strategic test cases relating to human rights violations and abuses in Sierra Leone. A committee of four legal practitioners coordinates the activities of LAWCLA, with an executive director as head. Already, LAWCLA has secured the release of 75 adults in prolonged pre-trial detention. In the area of juvenile justice, LAWCLA, with the assistance of other child protection NGOs, has gone to court and secured the release of 22 children.

62. The third project seeks to support the establishment of a human rights documentation, information and training centre in Freetown, the main objective of which is to provide a resource for human rights research and training for the human rights community, the judiciary, civil servants and law enforcement agencies.

F. Publications

63. The UNAMSIL Human Rights Section has distributed United Nations human rights publications produced by OHCHR through public sector and NGO channels. It also initiated the local publication of materials using Krio, the lingua franca in Sierra Leone, and English, as appropriate. To date, the Human Rights Section has disseminated leaflets on the TRC throughout the country and has also propagated its message through on-going weekly radio programmes about the TRC, hosted by Radio-UNAMSIL. In addition, the Section has produced and distributed copies of a question-and-answer leaflet to respond to public queries on the TRC. In December 2001, the Section released a major textbook on the TRC, containing selected articles to broaden understanding of the TRC process.

64. In the light of the forthcoming elections in Sierra Leone and as part of its contribution to strengthening the capacity of the Sierra Leone Police, the Human Rights Section, in collaboration with other sections of UNAMSIL, has compiled a set of relevant reader-friendly materials. A 20-page handbook and a leaflet on the subject of human rights and elections have been issued prior to voter registration.

G. World Conference against Racism

65. The UNAMSIL Human Rights Section compiled and distributed the highlights of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban from 31 August to 7 September 2001, in order to keep UNAMSIL staff and the immediate community in Freetown informed on this important event.

H. Establishment of the Truth and Reconciliation Commission

66. Consistent with Commission resolution 2001/20 (para. 11 (a)), OHCHR continued to assist the Government of Sierra Leone to establish the TRC. Since the fifty-seventh session of the Commission, OHCHR has commenced the implementation of its revised project to support the preparatory phase of the TRC. The revision increased the total cost of the project to about US$ 890,000 from an initial US$ 850,000. It also took into consideration the additional responsibility of the Commission for dealing with children and the establishment of the Special Court authorized by the Security Council in its resolution 1315 (2000) of 14 August 2000. The revised project has the following major thrusts:

(i) A public education/information campaign;

(ii) Mapping the conflict, i.e. compiling information on key defining events within the period of temporal jurisdiction of the Commission;

(iii) Researching the traditional methods of conflict resolution and reconciliation;

(iv) The selection of commissioners;

(v) Preliminary identification of facility requirements of the Commission;

(vi) Providing a forum for clarifying of the relationship between the TRC and the Special Court;

(vii) Providing technical support for developing mechanisms to enable the TRC to fulfil its additional mandate regarding juvenile offenders;

(viii) Support for the Commission during the statutory three-month preparatory period;

(ix) Providing assistance for determining the total budgetary requirements of the Commission and preparing a comprehensive project document to support the Commission once established.

67. The implementation of the project is in an advanced phase and OHCHR has had to step up its activities in this regard in response to the improvements in the operational environment. In accordance with the detailed programme of activities agreed upon by the High Commissioner and the Special Representative of the Secretary-General, focal points have been appointed in Geneva and Freetown to ensure the efficient implementation of the project.

68. Pursuant to this project, OHCHR concluded a grant agreement with the International Human Rights Law Group to design and facilitate a comprehensive public information campaign for the TRC. The Law Group is working with the National Forum for Human Rights, its TRC Working Group and the local media, in cooperation and coordination with UNAMSIL. OHCHR is working with a local NGO, Campaign for Good Governance (CGG), to collect and collate information regarding key defining events within the period of temporal jurisdiction of the TRC. Another national NGO, Manifesto 99, has been commissioned to research the traditional methods of reconciliation with a view to identifying elements that could be integrated into the truth and reconciliation process. Manifesto 99 has already submitted its draft final report. The selection of international commissioners, recommenced in January 2001 after an interruption following the events of May 2000 and the selection of national commissioners, started in February 2001, has concluded. The High Commissioner and the Special Representative of the Secretary-General have identified the three international and four national members of the commission, whose names will be forwarded to President Kabbah for his approval.

69. Preparations for the practical establishment of the TRC were given impetus by a number of seminars organized during 2001. These included an expert meeting on the relationship between the TRC and the Special Court (see paragraph 70 below), a seminar on operational and managerial aspects of the Sierra Leone Truth and Reconciliation Commission (see paragraph 72 below) and the UNICEF-organized technical meeting of experts on the TRC and children (see paragraph 31 above). The meetings were held pursuant to the recommendations of the National Workshop on the TRC organized by OHCHR in collaboration with UNAMSIL and the National Forum for Human Rights in November 2000 in Freetown.

70. The expert meeting on the relationship between the TRC and the Special Court was organized by OHCHR and the Office for Legal Affairs (OLA) of the United Nations in New York on 20 and 21 December 2001. The participants discussed the important issue of an amicable relationship between the two institutions that would reflect their roles, and the difficult issue of whether information could and should be shared between them. The pros and cons of a wide range of possibilities regarding cooperation between the Commission and the Court were examined. Based on those discussions, the participants agreed on a number of basic principles that should guide the TRC and the Special Court in determining modalities of cooperation. These principles include the following:

(i) The TRC and the Special Court were established at different times, under different legal bases and with different mandates. Yet they perform complementary roles in ensuring accountability, deterrence, a story-telling mechanism for both victims and perpetrators, national reconciliation, reparation and restorative justice for the people of Sierra Leone.

(ii) While the Special Court has primacy over the national courts of Sierra Leone, the TRC does not fall within this mould. In any event, the relationship between the two bodies should not be discussed on the basis of primacy or lack of it. The ultimate operational goal of the TRC and the Court should be guided by the request of the Security Council and the Secretary-General to "operate in a complementary and mutually supportive manner fully respectful of their distinct but related functions" (S/2001/40, paragraph 9; see also S/2000/1234).

(iii) The modalities of cooperation should be institutionalized in an agreement between the TRC and the Special Court and, where appropriate, also in their respective rules of procedure. They should respect fully the independence of the two institutions and their respective mandates.

71. The expert group also agreed on a communiqué, which formed the background for additional discussions in Freetown on 15 January 2002 between OHCHR, OLA, UNAMSIL and other concerned parties.

72. The operational and management seminar took place from 29 May to 1 June 2001 and was attended by representatives of the Government and the local diplomatic community, civil society organizations and the UNAMSIL leadership. Approximately 40 representatives of NGOs directly involved in the truth and reconciliation and DDR processes took part in the seminar. The seminar explored the methodologies that the Commission might use to establish the truth and to address impunity. It discussed the organizational structure of the Commission and its budget and reviewed the issues concerning the relationship between the TRC and the independent Special Court. The seminar provided a sound platform for concrete discussions on the practical aspects of the establishment of the Commission and its recommendations would provide guidelines for the next steps towards the establishment of the Commission. The seminar recommended, among other things, the establishment of an interim secretariat for the TRC to take over the responsibility of implementing activities relating to the establishment of the Commission. The wide publicity enjoyed by the seminar helped to increase awareness of the truth and reconciliation process among the people of Sierra Leone.

73. Following the recommendations of the operational and management seminar, OHCHR has developed a related project with a budget of US$ 750,000 to support an interim secretariat "start-up team" for the Sierra Leone TRC. The interim secretariat will be composed of national and international staff. On 1 November 2001, the High Commissioner wrote to President Kabbah requesting him to recommend an interim executive secretary for the Commission. President Kabbah's recommendation was communicated in a letter dated 28 November 2001 and OHCHR has commenced preparations to set up the interim secretariat. This secretariat will undertake the logistical and preparatory tasks necessary for the establishment of the Commission, including procurement of office space and equipment, the establishment of the Commission's financial management system, the design of a database, the undertaking of preliminary research and the preparation of orientation sessions for the commissioners. The secretariat will commence work on 1 March 2002 and will thus free the Commission to concentrate on addressing the substantive issues relating to its functioning during the three-month preparatory period that will immediately follow its inauguration.

74. The progressive improvement in the security situation adds some urgency to the need to obtain the necessary funds for the TRC. It is estimated that the Commission will become functional in the first half of 2002. From 13 to 17 January 2002, OHCHR fielded a high-level inter-branch mission to Freetown to, inter alia, prepare the grounds for the establishment of the TRC. Based on the practical estimates of this mission, the TRC should be appointed by President Kabbah in mid-May, 2002. It will commence the statutory preparatory phase on 1 June 2002 with a view to starting full operations three months later, on 1 September 2002. The interim secretariat will ensure that the practical requirements for the commencement of the TRC are met by 1 June 2002.

75. Public awareness activities on the TRC increased throughout 2001 and there exists a high degree of support for the TRC amongst those who are aware of the institution's objectives. The International Human Rights Law Group (IHRLG), under a grant agreement with OHCHR, is providing strategic direction and impetus to the sensitization campaign, in particular by facilitating civil society processes. In August 2001, the Law Group organized a four-day planning workshop to develop key, consistent messages on the TRC. This was followed by a detailed national public awareness campaign held in conjunction with UNAMSIL, the National Forum for Human Rights, its TRC Working Group, the National Commission for Democracy and Human Rights and other interested sectors of civil society.

76. Through the OHCHR project of support to the TRC, two further grants of US$ 10,000 each will be made, to the National Commission for Democracy and Human Rights and the National Forum for Human Rights, to carry out TRC sensitization activities. Their activities will include the translation of the two TRC informational leaflets into four languages and further sensitization workshops, sessions and radio discussions with students and educational and traditional leaders. Already the TRC Working Group of the National Forum for Human Rights publishes a monthly newsletter entitled "Truth bulletin", which is now in its eighth issue.

77. The UNAMSIL Human Rights Section's activities, often in partnership with local NGOs, have included educational and workshop sessions, in which over 5,000 Sierra Leone nationals have participated. The Section has also targeted its awareness activities at those

sectors of society with the least knowledge of the TRC. It has held 25 workshops with 4,000 ex-combatants. With the agreement of the RUF leadership, UNAMSIL, in July and August 2001 organized a TRC information workshop for the RUF and for about 80 members of the public in RUF-controlled Makeni. The most recent sensitization workshop took place in Kabala, Koinadugu district, on 25 October 2001 and was attended by 100 participants, including both CDF and RUF ex-combatants. The Section also produced and distributed 100,000 copies of an illustrated information leaflet, as well as 10,000 leaflets containing 20 questions and answers about the process. It also produces weekly radio programmes. In August 2001, the Section established a TRC web site.

I. The Special Court

78. On 16 January 2002, the Government of Sierra Leone and the United Nations signed the Agreement on the Establishment of a Special Court for Sierra Leone and the Statute annexed thereto (S/2000/915, annex). The Secretary-General has already authorized preparations for the operation of the Special Court, beginning with the fielding of a planning mission to Freetown from 7 to 18 January 2002. This decision had required the Secretary-General to review the initial understanding that the establishment would commence only after sufficient funds to finance its establishment and operations for 12 months and pledges equal to the anticipated expenses for the following 24 months had been received. The Secretary-General considered that there was sufficient political will and commitment on the part of Member States to overlook the shortfall of US$ 1.4 million and US$ 7.4 million[2] for the first and subsequent years of operations, respectively, of the Court.

IV. CONCLUSIONS

79. The peace process in Sierra Leone has come a long way from the near collapse of mid-2000 when the RUF took United Nations hostages and threatened to revert to all-out war. The successful implementation of the cease-fire agreement signed in Abuja, Nigeria, on 10 November 2000 created the environment for the restoration of the peace process. In May 2001, DDR was relaunched. The steady progress in its implementation has added a new positive dynamic to the security situation in the country. So far, disarmament has been concluded and on 18 January 2002 the Government declared the end of armed conflict. UNAMSIL has reached its authorized troop strength of 17,500 and deployed in all districts. The curfew imposed following the declaration of a state of emergency has been lifted. The country is preparing for elections, scheduled for 14 May 2002. These developments have yielded some human rights dividends in terms of improved conditions for the protection and promotion of human rights. The UNAMSIL Human Rights Section has taken advantage of the situation to open two regional offices to take its activities closer to the long-suffering people of Sierra Leone. The Section plans to open more regional offices in 2002.

80. Attacks on civilians and skirmishes between opposing military factions have continued intermittently. They are not systematic, but nonetheless represent serious violations of human rights and humanitarian law. These isolated violations of the cease-fire represent only an aberration from the general improvement in the security situation. While wanton attacks and gross violations of human rights against civilians appear less prevalent, the question of previous violations and abuses is gradually coming to the fore as the rebel RUF relinquishes control of

parts of the country and practical indices of serious crimes surface. The discovery of mass graves in some parts of the country hitherto under rebel control only indicates the nature of the challenge that the international community faces in its struggle against impunity and for accountability and justice in Sierra Leone. OHCHR, with the support of Member States, will continue to assist these processes through support to the TRC as an important instrument for the restoration of Sierra Leone. OHCHR will sustain its collaboration with OLA in order to ensure that the necessary operational conditions are created to enable the Commission and the Court to "operate", in the words of the Secretary-General, "in a complementary and mutually supportive manner, fully respectful of their distinct but related functions".[3]

Notes

[1] In the interlude between the submission of the High Commissioner's reports to the Commission on Human Rights (E/CN.4/2001/35 of 1 February 2001) and to the General Assembly (A/56/281 of July 2001) the Secretary-General submitted two reports on UNAMSIL to the Security Council (S/2001/228 of 14 March 2001 and S/2001/627 of 25 June 2001). He also submitted a report (S/2001/513 of 23 May 2001) on the situation of refugees and IDPs pursuant to paragraph 9 of resolution 1346 (2001).

[2] As at 5 December 2001, contributions in the amount of US$ 14.8 million for the first year of operations and pledges in the amounts of US$ 13 million and US$ 7.4 million for the next 24 months of operations had been received. See S/2001/1195 of 13 December 2001.

[3] Letter of 12 January 2001 from the Secretary-General to the President of the Security Council (S/2001/40). See also letter of 22 December 2000 from the President of the Security Council to the Secretary-General (S/2000/1234).

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Situation in the Republic of Chechnya of the Russian federation

Report of the High Commissioner for Human Rights submitted in accordance with Commission resolution 2001/24

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I. INTRODUCTION

1. At its fifty-seventh session, the Commission on Human Rights adopted resolution 2001/24 of 20 April 2001 on the Situation in the Republic of Chechnya of the Russian Federation. On 21 April 2001, the Ministry of Foreign Affairs of the Russian Federation issued a statement indicating that it did not consider itself bound by the Commission's resolution, which it viewed as "unobjective and unbalanced". The Commission requested the High Commissioner for Human Rights to report on the implementation of the resolution to the Commission at its fifty-eighth session and to keep the Commission and the General Assembly informed on further developments, as appropriate.

2. The High Commissioner informed the Commission on Human Rights at its informal one-day session on 25 September 2001 and the Third Committee of the General Assembly on 6 November 2001 of developments regarding the resolution and her communications with the Government of the Russian Federation. The present report provides a summary of information received from the Government, as well as information on activities undertaken by the Office of the High Commissioner for Human Rights (OHCHR), United Nations agencies and programmes, and regional and non-governmental organizations.

II. ACTION BY OHCHR

3. The High Commissioner has had frequent contacts with the Government of the Russian Federation during the last year. She requested information from the Russian authorities concerning various aspects of the implementation of resolution 2000/24. In response, she received letters and informational material from the Ministry for Foreign Affairs, the most recent dated 20 December 2001.

4. In her correspondence and meetings with Russian officials, the High Commissioner addressed the following points, inter alia: offers of technical assistance; requests for information on alleged violations and their investigation; requests by thematic mechanisms of the Commission on Human Rights to visit Chechnya; inquiries into the social and economic rights of the Chechen people, including internally displaced persons (IDPs); and the serious humanitarian situations in Ingushetia and Dagestan in the context of large numbers of IDPs. Information received from the Government is presented below.

5. In resolution 2001/24, the Commission reiterated its call on the Russian authorities to carry out an independent investigation into the alleged human rights violations in Chechnya. OHCHR continued to offer technical assistance to the Government to establish such a procedure, as well as other assistance that the Government might determine would be of use.

6. Since the fifty-seventh session of the Commission, OHCHR exchanged information with United Nations agencies and regional organizations working in relation to Chechnya. A summary of information provided by these organizations appears below.

7. The Commission reiterated its request that the relevant special mechanisms of the Commission undertake missions to the Republic of Chechnya of the Russian Federation without delay. The High Commissioner has been in contact with the Government of the Russian Federation with a view to facilitating the visits.

8. The Special Representative of the Secretary-General on Children and Armed Conflict received an invitation from the Government of the Russian Federation to visit Russia and the North Caucasus region in September 2000. The Special Representative reports that he plans to go in summer 2002.

9. The remaining mandates mentioned in the Commission's resolution on Chechnya - the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on internally displaced persons - requested in the first half of 2000 to undertake missions to the Republic of Chechnya and neighbouring regions. None of these mandates has received an invitation.

10. By letter dated 25 January 2002, the (newly appointed) Special Rapporteur on torture reiterated his request to visit the Russian Federation with respect to the Republic of Chechnya, recalling the joint initial request with the Special Rapporteur on violence against women. No invitation has been received following the initial joint request sent on 27 April 2000.

11. On 28 June 2001, the Special Rapporteur on violence against women wrote to the Government of the Russian Federation accepting an invitation which they had extended to her. A reply was received on 18 July 2001, confirming the previous invitation to the Special Rapporteur on violence against women and indicating that dates for the mission could be discussed in November or December 2001. A note verbale was received from the Permanent Mission on 5 February 2002, inviting the Special Rapporteur on violence against women to visit "in the course of the year 2002 with the exception of the period of the fifty-eighth session of the Commission on Human Rights".

12. In their reports to the Commission on Human Rights, the holders of the respective mandates provide information regarding their requests for visits and their communications on specific cases and the responses received from the Government of the Russian Federation.

13. The Government of the Russian Federation continues its cooperation with OHCHR in other areas. A three-year project of technical cooperation completed its first year of full implementation in 2001. The aim of the project is to provide support for capacity and resource development in the area of human rights education. The project is funded by the United Nations Voluntary Fund for Technical Cooperation in the field of human rights. The project includes the strengthening of a national network of organizations working in this field. Teachers, students and education professors take part in regional and national training activities and competitions. Other activities include training of trainers, internships, dissemination of information through the Internet, television and educational newspapers, and the provision of core human rights publications to higher education libraries, the judiciary, the legislature, executive agencies and non-governmental organizations at the national and regional levels.

III. INFORMATION FROM THE GOVERNMENT OF THE RUSSIAN FEDERATION

14. Information for this report received from the Ministry for Foreign Affairs of the Russian Federation on 19 December 2001 is provided in full in this section.

15. The Government of the Russian Federation rates the overall situation in the Chechen Republic as stable. It considers that progress is undoubtedly being made in restoring the full enjoyment of human and citizens' rights and freedoms throughout the Republic.

16. The Government reports that further efforts are being made to strengthen the judiciary and the bar. They state that in addition to the Supreme Court of the Chechen Republic, which sits in Gudermes, there are 12 district and municipal courts in Chechnya (Gudermes, Grozny, Zavodskoi, Leninsky, Oktyabrsky, Staropromyslovsky, Naursky, Nadterechny, Urus-Martan, Shali, Vedeno and Nozhai-Yurt), it is intended to establish three new courts in Achkhoi-Martan, Shelkovskaya and Shatoi districts and to introduce justices of the peace in the Chechen Republic. The Russian Government provided information that as of 20 October 2001, 1,361 criminal cases had been referred to the courts, 494 of them heard, and 6,267 civil actions, 6,058 of them heard.

17. The Russian authorities reported that the procuratorial agencies have intensified their criminal investigation efforts, including investigation of crimes against the civilian population of the Chechen Republic committed by military and similar personnel.

18. The Russian authorities stated that data from the Office of the Procurator of the Chechen Republic show that the crime situation in Chechnya worsened in 2001. They reported that the number of crimes against Russian speakers, local government officers, law enforcement personnel and persons working with the federal authorities increased. The Russian authorities stated that 83 full-time internal affairs officers, 37 local government leaders and employees and 9 clerics were murdered. The Russian authorities reported that in Grozny alone bandits murdered more than 80 Russian-speaking citizens during the year. Information provided from the Russian authorities stated that over a 10-month period in 2001, a total of 5,511 crimes were recorded in the Chechen Republic, and 67 per cent of them were solved. They further stated that a total of 321 criminal proceedings were initiated in connection with acts of terrorism.

19. The Russian authorities explained that the military procurator's office oversees observance of the law by the military authorities, military officials and military personnel. Information from the Russian authorities stated that military procurator's offices were established in five garrisons to safeguard legality and the rule of law among the forces stationed in the Chechen Republic. They reported that the Military Procurator's Office of the North Caucasus Military District established a special unit to investigate crimes against the civilian population. Russian authorities stated that since 1 August 2001, a procuratorial investigative unit of that Office headed by the district's deputy military procurator has been operating out of Khankala.

20. Information from the Russian Government stated that in all, the military procuratorial agencies opened a total of 106 criminal cases (compared with 35 in 2000) in connection with crimes against residents of the Chechen Republic. Investigations were

completed into 52 cases, and of these 35 (70 per cent), involving 50 individuals, were referred to courts martial: 10 homicides (under article 105 of the Criminal Code of the Russian Federation (CCRF)), 1 case of injury to health through negligence (CCRF, art. 118), 12 cases of stealing (CCRF, arts. 158-162), 4 violations of the rules for operating military vehicles (CCRF, art. 350), 1 violation of the rules for handling weapons (CCRF, art. 349), 3 cases of disorderly conduct (CCRF, art. 213), 1 rape (CCRF, art. 131), and 3 other offences. Proceedings in 17 criminal cases were discontinued on various grounds under current legislation.

21. The Russian authorities reported that as of 1 December 2001, 17 military personnel were found guilty by courts martial of crimes against residents of the Chechen Republic.

22. The Russian authorities consider that because most reports of crimes against civilians in Chechnya concern military personnel, the role of the military procuratorial agencies in overseeing the activities of the troops and forces which comprise the unified group in the Chechen Republic and in investigating criminal cases opened in connection with acts of the kind in question is being significantly expanded. They further report in that connection, the Chief Military Procurator instructed units of his Office to gather, register, analyse and collate incoming information about unlawful acts committed by federal military personnel against civilians, to check this information in collaboration with the Ministry of Defence, the General Headquarters of the internal affairs troops of the Ministry of Internal Affairs, and the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights in the Chechen Republic, and to compile information about the outcome of the judicial examination of criminal cases in this category.

23. Information from the Russian Government stated that in order to preclude human rights abuses when checking identity documents, Order No. 46 on strengthening supervision of respect for citizens' rights when checking registration at residential or temporary addresses in the Chechen Republic was promulgated by the Procurator-General of the Russian Federation on 25 July 2001. The authorities reported that pursuant to this order, the Office of the Procurator of the Chechen Republic, in coordination with the military procurator of the North Caucasus Military District, the Commander of the Unified Group of Forces and the director of the regional tactical headquarters for counter-terrorist operations in the North Caucasus region, is currently preparing a directive on the procedure for cooperation between military and local procurators and federal forces when checking compliance with the regulations on registration of citizens in the Chechen Republic. Additionally, the Russian authorities reported that on 24 August 2001 the military procurator of the North Caucasus Military District issued order No. 285 on organizing procuratorial supervision in military procurators' offices in the Chechen Republic with a view to preventing unlawful acts by personnel of military units and other formations of the Unified Group of Forces in the North Caucasus region when checking citizens' registration at residential and temporary addresses in the Chechen Republic.

24. The Russian authorities consider that as a result of these measures, a tendency towards dramatic improvement in the effectiveness of procuratorial supervision over checks performed by units of the Unified Group of Forces has become evident. They noted that from 20 to 22 July a special operation was carried out to check citizens' registration at residential and temporary

addresses in the localities of Alleroi, Bachi-Yurt, Maiortup and Dzhugurty, and that no complaints were received from the local authorities or citizens, despite the involvement in the operation of over 1,300 military personnel and officers of various units of the Unified Group of Forces.

25. Information from the Russian Government reported that in conjunction with the staff of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights in the Chechen Republic and his office in Chechnya, the Office of the Procurator of the Chechen Republic has examined letters and other communications from citizens about persons who went missing in the Chechen Republic in 1999-2001. They stated that Chechen procuratorial agencies have received 609 such communications. They further reported that units of the Internal Affairs Department of the Chechen Ministry of Internal Affairs have initiated search operations in connection with 222 of them. They stated that the procuratorial agencies continuously monitor the work of the field units assigned to this duty, and detective work has revealed the whereabouts of 112 missing persons. According to information from the Russian authorities, in connection with 387 reports, the Office of the Procurator of the Chechen Republic, following checks carried out under article 109 of the Code of Criminal Procedure of the Russian Soviet Federative Socialist Republic (RSFSR), had initiated criminal proceedings based on evidence of an offence under article 126 of the Criminal Code of the Russian Federation (abduction of persons). Meanwhile, they report that an integrated central databank on missing persons was created at the information centre of the Internal Affairs Department of the Chechen Republic in order to coordinate searches for such persons.

26. The Russian authorities consider the existence and normal functioning of the judiciary is a tangible guarantee of the promotion and protection of human and civil rights. Therefore, they stated that it is gratifying to note that, since 10 December 2000, courts of general jurisdiction have started to operate in the Chechen Republic. Further, they noted that, the involvement of procurators in the hearing of criminal and civil cases has been defined by the Procurator-General of the Russian Federation as a priority for the Office of the Procurator of the Chechen Republic. The Russian authorities reported that the Chechen Republic's courts have heard 198 criminal cases to date. According to their information, Chechen municipal and district procurators have acted as State prosecutors in 79 cases, i.e. in 39.9 per cent of the criminal cases that have been heard. The Russian authorities reported that full provision is also made for the participation of procurators in the hearing of criminal and civil cases in cassation proceedings before the Supreme Court of the Chechen Republic.

27. The Russian Government considers that definite progress has been made in the work of internal affairs agencies. Greater numbers of passport and visa service officers are being sent to Chechnya to expedite the issuance of passports to the population. Further, it has been stipulated at the highest level in the Federal Ministry of Internal Affairs that passport and visa service officers must visit temporary accommodation centres and use appropriate equipment to document, photograph and register people to temporary and permanent addresses. Passport and visa services staffed by officers recruited from the local population have been set up in the newly established internal affairs agencies at the republic and local level.

28. Information from the Russian Government stated that during the period from March 2000 to November 2001, the Office of the Special Representative of the President of the Russian Federation received more than 21,000 communications. They stated that a total of 7,039 reports of human rights abuses were accepted from citizens of the Russian Federation residing in the Chechen Republic.

29. A study by the Russian authorities of the reports received revealed that over half the issues raised by citizens in connection with the right to the freedom and inviolability of the person concerned searches for missing persons, unlawful arrest and detention, property searches, and disappearances. They stated that this information has often been borne out by statistics from the law enforcement agencies investigating offences.

30. The Russian authorities reported that the Special Representative's Office and the law enforcement agencies are now conducting searches for missing persons on a daily basis. They noted, however, following a flood of reports during the period April-August 2000, the number of communications in this category steadily decreased. They stated that reports mainly concern disappearances that occurred in 2000. Further, they reported that a study of the reports has shown that the overwhelming majority of the people went missing in Grozny.

31. The Russian authorities noted that while the number of communications relating to the determination of people's whereabouts has declined, at the same time, the area of origin of such communications has expanded. Their information stated that people from the Vedeno, Kurchaloi, Argun, Urus-Martan and Shatoi districts of Chechnya have started to send in reports. The Russian authorities consider that this shows that, first of all, the list of missing persons is far from complete and second, that the population is more trusting and less inhibited about requesting help from the federal authorities, since they anticipate actual results.

32. The Russian authorities reported that in addition, 2,142 people filed complaints with the Office of the Special Representative regarding 646 alleged instances of unlawful acts committed by members of the federal security forces. The Russian authorities stated that experts from the Council of Europe helped to compile a list of these reports, briefly outlining the circumstances of each case. They reported that this list was transmitted to procuratorial agencies and the Russian Ministry of Internal Affairs for consideration and investigation.

33. The Government reported that in order to ensure that the human and civil rights and freedoms which are enshrined in the Constitution of the Russian Federation are safeguarded in the Chechen Republic, and mindful of the relevant recommendations of the Parliamentary Assembly of the Council of Europe, the Special Representative of the President of the Russian Federation, the Deputy Procurator-General of the Russian Federation and the Chief Military Procurator signed an agreement on 26 March 2001 to form a joint working group comprised of staff from the Office of the Special Representative, the Office of the Procurator-General, and the Office of the Procurator of the Chechen Republic. The Russian authorities noted that the working group was assigned the task of coordinating joint action to examine complaints and reports submitted by Russian citizens living in the Chechen Republic of unlawful actions by military and law enforcement agency personnel and promptly adjudicating appeals against such actions. The Russian authorities consider that the establishment of the working group has enabled communications and complaints from residents of Chechnya to be

handled more expeditiously, and has prompted the Chechen authorities and the command of the federal forces to take a more serious and responsible approach to human rights issues. They reported the working group held nine meetings in the period ending November 2001, including four in the Chechen Republic (Grozny) which were attended by senior officials of the Republic ministries and government departments, experts from the Council of Europe and community representatives. The Russian authorities reported that at its meetings, the working group considered reports on law enforcement agencies' searches for missing persons; the outcome of investigations into complaints and reports by citizens and media reports of detention in so-called "pits"; complaints of unlawful actions by military personnel; the progress and outcome of investigations into the discovery of mass graves in Chechnya; and other pressing human rights issues.

34. According to information from the Russian authorities, at the working group's recommendation, regular meetings have been initiated between officials of the Chechen Republic's Procurator's Office and Ministry of Internal Affairs, civil servants, representatives of the Special Representative's Office and members of the public to explain the actions of procuratorial agencies in investigating offences committed by representatives of the security structures. They noted that the military procurator of the Chechen Republic meets with the chief administrators of each district twice a month in Grozny to address promptly any issues that arise. The Russian authorities reported that since 16 May 2001, officials of the civil and military procurators' offices have been receiving members of the public daily at the procuratorial offices in Grozny's Leninsky district. According to information from the Russian Government, the federal security structures have improved their cooperation with each other and with the authorities and village elders throughout the Republic.

35. The Russian authorities consider that some headway has been made in efforts to ensure the return of, and provision of accommodation for persons forced to abandon their homes in Chechnya.

36. The Russian authorities reported that they believe other positive trends have also become apparent in the Chechen Republic. They consider that this is attributable to the strengthening of the administration from the top down, the energetic work of the judiciary and lawyers, the intensification of procuratorial efforts to open cases and investigate crimes against the local population committed by military personnel, the special efforts undertaken by the Federal Ministry of Internal Affairs to provide residents of Chechnya with identity documents, the steps taken by local-level chief administrators to protect the interests of internally displaced persons, and the significant easing of restrictions on travel throughout the Republic by residents of Chechnya.

37. The Russian Government reported that the authorities are continuously monitoring the social welfare of the population of the Chechen Republic. They noted that during the period from late 2000 to early 2001, the Procurator's Office checked to see whether the requirements of the Federal Act on the basic principles of the system for preventing child neglect and juvenile delinquency were being applied in Chechnya. They reported that these checks revealed serious shortcomings in the work of the authorities and the law enforcement agencies responsible for preventing child neglect and juvenile delinquency and protecting the rights and interests of Chechen children. As a result, procurators in various towns and districts throughout the

Republic made 11 recommendations to rectify the breaches of the law that had been discovered, and two cases were opened in connection with administrative offences. Further, they reported that an interdepartmental conference was held on 19 February 2001, under the auspices of the Office of the Procurator of the Chechen Republic; it was attended by representatives of the Ministry of Internal Affairs, the Ministry of Labour, the Ministry of Education, the Ministry of Health, the State Committee for Physical Fitness, Sport and Tourism, and the Chechen authorities responsible for preventing child neglect and juvenile delinquency and protecting the rights of minors. Information from the Russian authorities stated that as a result of the conference, a decision was taken jointly to prepare a draft federal government decision specifying additional measures to prevent child neglect and juvenile delinquency and protect minors' rights. They stated that simultaneously, the Office of the Procurator of the Chechen Republic made recommendations on repairing breaches of the law regarding the prevention of child neglect and juvenile delinquency to the Chief Executive of the Chechen Republic and the chief officer of the Chechen Internal Affairs Department of the Federal Ministry of Internal Affairs.

38. The Russian Government reported that in April 2001, the Office of the Procurator of the Chechen Republic checked to ensure whether legislation on social welfare for the disabled and the elderly was being applied. They stated that the results of the exercise showed that the Chechen authorities, and specifically the Ministry of Labour and Social Development, the Ministry of General and Vocational Education, and the Ministry of Health, were failing to carry out many of the provisions on social welfare for the disabled and the elderly set out in federal laws on the social welfare of disabled persons, on veterans, and on social services for elderly citizens and the disabled.

39. According to information provided by the Russian authorities, municipal and district procurators in the Chechen Republic have conducted legal compliance checks under the supervisory procedure, resulting in seven recommendations to rectify breaches of relevant legislation, the challenging of three legal acts and the cautioning of two officials against taking illegal action. They further stated that the Office of the Procurator of the Chechen Republic has submitted recommendations on rectifying breaches of the law to the Chechen Ministry of Labour and Social Development, the Ministry of General and Vocational Education and the Ministry of Health. They reported that the Head of the Administration and the Chairman of the Government of Chechnya are kept informed of any violations and shortcomings.

40. The Russian authorities stated that addressing the problems of internally displaced persons is another aspect of the procuratorial agencies' efforts to safeguard and protect citizens' rights in the Chechen Republic. They reported that according to information from the Russian Ministry for Federal Affairs and National and Migration Policy regional office in the Republic of Ingushetia, 308,912 individuals were registered in Ingushetia as forced migrants from the Chechen Republic. They noted that of these, 91,481 persons returned to their homes in the Chechen Republic, 67,817 left for other regions of the Russian Federation and 975 were sent to temporary accommodation centres run by the Federal Migration Service. They further stated that there are currently 148,639 forced migrants in Ingushetia, of whom 31,578 are living in temporary accommodation camps, 31,756 in rented premises and 85,305 in the private sector.

41. Information from the Russian authorities stated that forced migrants and forcibly displaced persons from the Chechen Republic are also residing temporarily in the Republic of Dagestan (about 10,000 people), Stavropol Territory (about 2,500 people), the Karachai-Cherkes Republic, the Republic of North Ossetia-Alaniya, and Astrakhan oblast.

42. The Russian Government reported that the attention of the Chechen Government and the relevant federal authorities is constantly focused on resolving problems pertaining to the legal status of and provisions for persons who have temporarily left their homes in the Chechen Republic. Accordingly, they stated that the Chechen Government, by order No. 55rp of 18 April 2001, confirmed the regulations on the Chechen Government's Committee for forced migrants' affairs, a body which coordinates and functionally regulates efforts to provide amenities for migrants and facilitate their social and economic adjustment.

43. Information provided by the Russian authorities stated that on 30 July 2001, the Chechen Government adopted decision No. 31 on providing State assistance to residents of the Chechen Republic who have suffered as a result of the resolution of the crisis in the Republic. A Commission reporting to the Chechen Government was established pursuant to this decision to deal with this question.

44. The Russian authorities reported that under a special federal programme to revive the economic and social spheres in the Chechen Republic, approved by federal decision No. 96 of 9 February 2001, planned expenditures for 2001 on basic housing and support for citizens in existing temporary accommodation centres amounts to 563.7 million roubles. They reported that of this amount, 500 million roubles are for basic housing and support for citizens in existing temporary accommodation centres in the Republic of Ingushetia and the Chechen Republic. They stated that under the programme thus far, communal buildings and facilities at the Argun temporary accommodation centre in Chechnya have been rebuilt and re-equipped at a cost of 5.82 million roubles, and work is continuing at similar centres in Gudermes and Grozny.

45. The Russian authorities reported that maintenance costs for citizens at temporary accommodation centres are financed in a timely manner, as per federal government decision No. 163 of 3 March 2001, on the financing of expenditures on the support and feeding of citizens who have temporarily left their homes in the Chechen Republic, and on tickets and baggage charges in connection with travel by such persons to their homes in the Chechen Republic in 2001. They estimated that the total projected expenditure on these items in 2001 is estimated at 500 million roubles.

46. The Russian Government reported that the Central Department for State Supervision of Communications in the Russian Federation considered the requests of international humanitarian organizations to assign radio frequencies with a view to ensuring reliable radio communications for their workers in the North Caucasus region. They stated that in view of the difficult operational and electromagnetic situation that developed during the counter-terrorist operation in the Chechen Republic, it was proposed that humanitarian organizations use frequencies in the short-wave range, rather than the VHF frequencies they had previously used. In addition, the Ministry of Communications of the Russian Federation proposed to humanitarian agencies that they acquire Globalstar handheld mobile satellite telephones for their communications needs.

Furthermore, the Ministry of Communications and the State corporation, "Space Communications", proposed that VSAT earth stations for satellite communications be installed at housing centres for internally displaced persons in Ingushetia and in other parts of the Russian Federation. The Russian authorities stated that such stations can be used as the base for telephone stations or for the installation of pay phones. Further, the Russian authorities reported that for the purposes of establishing a short-wave radio communications network, the United Nations Office in the Russian Federation is authorized under licence No. 09-14-42/01503 of 19 January 2001 to install and use in Moscow, St. Petersburg, Vladikavkaz, Nazran, Stavropol, Krasnodar Territory and Rostov oblast short-wave radio equipment operating on 6,260, 10,175, 17,565, 19,309.6, 19,373.6, and 20,730.6 kHz.

IV. INFORMATION FROM REGIONAL ORGANIZATIONS, UNITED NATIONS AGENCIES AND PROGRAMMES, AND OTHER ORGANIZATIONS

A. Council of Europe

47. Information received from the Council of Europe is summarized below.

48. Since June 2000 three Council of Europe experts have been working in Znamenskoye, Chechnya, providing consultative expert assistance to the Office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya. The agreement to provide this assistance has been extended through 4 April 2002.

49. The Council of Europe considers that there has been some progress in the human rights situation in Chechnya since September 2001, but that demonstrated progress is not yet as substantial as could be desired. In particular, there is still insufficient progress in the investigation of cases concerning crimes allegedly committed by members of the military and persons of similar status against the civilian population, including allegations concerning mass killings.

50. Since April 2000, the European Court of Human Rights has received approximately 140 individual complaints. In June 2000, the Court communicated six complaints to the Government of the Russian Federation. These cases concerned three episodes: the alleged bombardment of a refugee convoy outside of Grozny in October 1999 by military planes; the alleged bombardment of the village of Katyr-Yurt in February 2000; and killings, allegedly by Russian servicemen, of civilians in a suburb of Grozny, in February 2000. The observations of the parties have been received, and a decision on admissibility is due in the first half of 2002.

51. On 10 July 2001, the European Committee for the Prevention of Torture (CPT) issued a public statement concerning the Chechen Republic. Relating to the Chernokozovo detention facility, the CPT explained that the Russian authorities had made clear that they had no intention of organizing a thorough and independent inquiry into many apparent cases of ill-treatment at this facility during the period December 1999 to early February 2000. The CPT reported that it had gathered information indicating "that a considerable number of persons deprived of their liberty in the Chechen Republic since the outset of the conflict had been physically ill-treated

and others who knew about such offences were reluctant to file complaints to the authorities. There was a fear of reprisal at local level and a general sentiment that, in any event, justice would not be done".

52. The Commissioner for Human Rights of the Council of Europe visited the Chechen Republic of the Russian Federation in February 2001 and, subsequent to his findings, made two main recommendations to the Russian authorities. The first, seeking to reduce the prevailing climate of impunity, called for the creation of a joint working group of the office of the Special Representative of the President of the Russian Federation for Human and Citizens Rights in the Chechen Republic, Vladimir Kalamanov and the civil and military prosecution services. Such a working group would enable Mr. Kalamanov's office to review, at regular meetings, the progress of investigations and criminal proceedings instituted on the basis of forwarded files. The second recommendation was for the holding of a seminar.

53. The Commissioner for Human Rights travelled to Moscow again in September 2001 to obtain information on the progress of investigations into human rights violations committed in Chechnya and to discuss the proposed seminar. Regarding the first, the Commissioner was able to conclude, following a lengthy and open meeting with the Chief Public Prosecutor and several of his assistants, that efforts had been made to prosecute human rights violations. The Commissioner was provided with statistics revealing that criminal investigations had been opened in respect of 393 cases, 100 of them by the military "Procuratura", which had transmitted 52 cases to the military courts, on the basis of which 15 military personnel had so far been convicted. Independent reports of continuing violations did, however, highlight the work that remained to be done.

54. The Commissioner sought to focus his seminar proposal on the protection of and respect for human rights as the basis of the democratic reconstruction of the Republic of Chechnya. The seminar was held in November 2001, immediately prior to the second consultation on a political solution to the conflict in Chechnya organized by the Joint Working Group on Chechnya made up of members of the Parliamentary Assembly of the Council of Europe (PACE) and the Russian State Duma. The seminar brought together high-ranking representatives from the Russian Ministries of the Interior and Justice, the prosecution services, the Chechen local administration, and members of Chechen and Russian human rights NGOs working in the region. At the seminar, obvious tensions were to some extent set aside in the acknowledgement by all involved of ongoing human rights abuses on both sides, the improved efforts of the prosecution services, the possibility of a constructive role for NGOs in those efforts and in the political and economic reconstruction of Chechnya generally, and the need for the continuation, in Moscow and in Chechnya, of the open dialogue that characterized the seminar.

55. The Council of Europe considers the PACE-DUMA Joint Working Group on Chechnya to be a good instrument to facilitate and provide support towards a political solution.

B. Organization for Security and Cooperation in Europe

56. Information provided by the Organization for Security and Cooperation in Europe is summarized below.

57. The OSCE Assistance Group (AG) was established by the Permanent Council on 11 April 1995 (PC.DEC/35), which set forth the following tasks for the AG:

(a) To promote respect for human rights and fundamental freedoms, and the establishment of facts concerning their violation; help foster the development of democratic institutions and processes, including the restoration of the local organs of authority; assist in the preparation of possible new constitutional agreements and in the holding and monitoring of elections;

(b) To facilitate the delivery to the region by international and non-governmental organizations of humanitarian aid for victims of the crisis, wherever they may be located;

(c) To provide assistance to the authorities of the Russian Federation and to international organizations in ensuring the speediest possible return of refugees and displaced persons to their homes in the crisis region;

(d) To promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles, and pursue dialogue and negotiations, as appropriate, through participation in "round tables", with a view to establishing a ceasefire and eliminating sources of tension;

(e) To support the creation of mechanisms guaranteeing the rule of law and order.

58. The OSCE AG began working in Grozny on 26 April 1995 and operated from there until 6 December 1998, when its international staff was evacuated to Moscow owing to the deteriorating security situation. During the year 2001, the immediate priority of the AG's activities was to ensure the return of its international staff to Chechnya. The negotiation process that began in 2000 to solve technical problems impeding the Group's return led to the signing of a memorandum of understanding on security between the AG and the Ministry of Justice of the Russian Federation. On 15 June 2001, after almost 2½ years of evacuation, the AG returned to Chechnya.

59. Currently, the AG focuses its activities on stabilizing its presence in Chechnya, maintaining relations with federal authorities in Moscow and establishing new contacts with local and federal authorities in Chechnya and adjacent regions. Through these activities, the AG can monitor and assess the latest developments in the political, economic and human dimension fields.

60. In Grozny the AG has met with representatives of the Chechen administration. Discussions have focused on the general situation in the Republic and on IDPs living in Ingushetia. The large high number of IDPs in Chechnya and adjacent regions remains a source of serious concern to the AG. In this regard, the AG has conducted assessment visits to IDP camps in Ingushetia and Chechnya, also meeting with relevant federal and local officials. In Znamenskoye, permanent contacts are also maintained with the Office of the Special Representative of the President of the Russian Federation for Human and Citizens' Rights in the Chechen Republic, Vladimir Kalamanov.

61. In Moscow the AG meets with representatives of the Russian federal authorities on issues related to Chechnya. Additionally, the AG has attended parliamentary hearings organized by the Parliamentary Commission on Normalizing the Socio-political Situation and Human Rights in Chechnya, where the problems of a safe and speedy return of IDPs to their permanent places of residence were discussed. The AG cooperates closely with human rights organizations such as Memorial and Human Rights Watch, exchanging information on the human rights situation in Chechnya. Documented allegations of human rights violations in Chechnya are also regularly reported by the AG to the OSCE participating States.

62. In the Znamenskoye office, the AG receives complaints on the human rights situation. The complaints received by the AG cover more than 200 cases of disappearances and several cases of killings, as well as mistreatment, torture and robberies. All the cases have been registered in a database and handed over to the Chechen authorities, as well as to Mr. Kalamanov's office. It was agreed with that office to hold meetings every two weeks to exchange information and views concerning human rights violations. In order to combine efforts, the AG meets regularly with Council of Europe experts working in Mr. Kalamanov's office in Znamenskoye.

63. The AG works to facilitate the delivery of humanitarian aid to the victims of the crisis. The Group participates in coordination meetings with United Nations agencies in Nazran/Ingushetia and in Moscow, and cooperates closely with international organizations and NGOs.

64. Before and after its return to Chechnya, the AG sought to identify programmes directed towards post-conflict social, psychological and professional rehabilitation of victims. Owing to the limited financial resources, the AG has targeted programmes at children and young people, who represent the most vulnerable and affected group. Projects were funded from the budget of the AG as well as from voluntary contributions from participating States and private companies.

65. The AG stands ready to assist the conflicting parties in the search for a political solution to the crisis. Thus far, however, the Russian authorities have not appeared prepared to accept OSCE involvement in these processes, arguing that the political part of the Group's mandate has already been exhausted. Conversely, Chechen rebels call regularly for OSCE mediation.

C. Office of the United Nations High Commissioner for Refugees

66. Information received from UNHCR is summarized below.

UNHCR activities in Ingushetia

67. The objectives of the UNHCR's operation in Ingushetia are to preserve a safe haven for IDPs in that Republic, to ensure the principle of voluntariness of return, in safety and with dignity, and to explore possible integration schemes for those IDPs who are not willing or unable to return to Chechnya.

68. Ingushetia currently hosts some 150,000 IDPs who fled from Chechnya since September 1999. Some 70 per cent of them are accommodated with host families in Ingushetia; the rest reside in tent camps and spontaneous settlements. In addition, there are some 20,000 IDPs from the previous conflict in Chechnya (1994-1995), as well as more than 16,000 ethnic Ingush IDPs from the Prigorodny district (North Ossetia-Alania).

69. So far there has been a relatively limited return movement of IDPs, and reports indicate that the overall situation inside Chechnya is not conducive to return. IDPs cite general insecurity, mines, as well as federal "clean-up", operations as the main reasons for remaining in Ingushetia. Furthermore, the humanitarian situation is difficult for the population in Chechnya, with lack of infrastructure and limited availability of basic subsistence commodities. The situation remains fluid as new IDPs continue to arrive in Ingushetia, and UNHCR aims to ensure that the displaced have the option to remain in safety in the Republic.

70. A key element of UNHCR's involvement in the region is to ensure that a safe haven is maintained for the displaced population where needs in terms of security and basic assistance are met. Although there were instances of forced return in the early stage of the emergency, the principle of voluntariness of return has gained general acceptance among local and federal authorities.

71. UNHCR has focused its efforts in Ingushetia on establishing a comprehensive protection monitoring system through a local implementing partner, VESTA. Some 15 VESTA monitors work throughout Ingushetia in camps, settlements and among host families under the direct supervision of UNHCR protection staff. The displaced populations' movements, relations with law enforcement and military officials, difficulties with the local population, as well as access to shelter, water, public services and humanitarian assistance, are monitored on a daily basis. Monitors intervene in support of IDPs, if necessary with support from UNHCR staff. Vulnerable cases or groups are being identified and appropriate actions are designed and taken.

72. A legal counselling centre has been established under VESTA in Nazran that currently employs three lawyers and also provides counselling to IDPs at field locations. In addition, UNHCR also supports the counselling centre of the Russian NGO Memorial in Nazran which focuses efforts on sojourn registration, of alleged human rights violations, and promotion of IDPs' rights through the courts and administrative structures. Regular meetings are organized to coordinate protection activities with other United Nations agencies, local and international NGOs and government agencies.

73. In contrast to reports from Chechnya, there have been relatively few cases of (alleged) arbitrary arrests and harassment by law enforcement and military officers in Ingushetia. UNHCR continues to monitor the relationship between IDPs and governmental agencies present in the Republic, including in relation to screening operations and document checks carried out in the camps. Other protections concerns include:

(a) Access to shelter, as overcrowding and eviction threats put many IDPs under pressure to vacate their living premises. UNHCR seeks to improve capacity and living conditions in settlements, and tries to identify solutions for vulnerable families without shelter;

(b) Problems relating to lack of legal status, registration with the Ingush territorial organ of the Ministry of Federal Affairs, National and Migration Policy, and registration for aid benefits by international agencies. The Government operates on the basis of some 122,000 registered IDPs and currently is not registering new arrivals;

(c) Lost or obsolete documents, a potentially serious problem for a significant number of IDPs. However, temporary documents are being issued by local bodies;

(d) Limited access to health services and schools, mainly owing to lack of capacity in the Republic of Ingushetia;

(e) Limited freedom of movement beyond Ingushetia owing to strict federal security measures throughout the northern Caucasus, as well as the restrictive sojourn registration regulations and/or practices adopted by the northern Caucasus Republics;

(f) Psychosocial support to the large numbers of traumatized individuals, in particular vulnerable elderly, women, children and youth;

74. Based on the above protection considerations, UNHCR is pursuing the following activities in Ingushetia:

(a) Continued comprehensive monitoring of the general situation of IDPs, with increased focus on the needs of vulnerable groups (children, women, disabled, elderly), particularly among IDPs in host families. A database containing detailed information on all IDP settlements in Ingushetia is near completion;

(b) Continued legal, social and medical assistance through the VESTA and Memorial counselling centres;

(c) Support, mediation and liaison with local government partners (and local populations) to promote the rights of IDPs (registration, issuance of documents, freedom of movement, physical safety, shelter, etc.);

(d) Psychosocial support (counselling, recreation) targeting vulnerable groups: women, children, elderly and youth;

(e) In close coordination with UNICEF, WHO and other partners, implementation of projects to promote mine awareness, rehabilitation of mine victims, and medical/psychosocial support to the civilian victims of war;

(f) Strengthened coordination and exchange of information with NGOs, thus promoting protection support from other relevant agencies operating in the Republic;

(g) At the Moscow level, advocacy for the principle of voluntariness of return and promotion of durable solutions for IDPs not able or willing to return to Chechnya.

UNHCR activities inside Chechnya

75. The objectives of the UNHCR operation in Chechnya are to promote the re-establishment of the (civilian) rule of law in the Republic, and to alleviate the human suffering of IDPs who made the free and informed choice to return to Chechnya, as well as that of other vulnerable IDP groups.

76. There is also a significant number of displaced persons inside the Republic of Chechnya - some 170,000 in a total population estimated at 550,000. However, UNHCR has very limited access to this population.

77. Owing to the prevailing security situation, UNHCR has no plans to establish a presence inside Chechnya. Also, with a so far limited permanent return movement to Chechnya, UNHCR will remain careful not to create push (or pull) factors in a situation where the Office has no possibility of ensuring the safety of the returnees. UNHCR has consistently rejected proposals from federal authorities to assist with establishing temporary accommodation centres for returnees (and other displaced) inside Chechnya. UNHCR retains its focus on providing and maintaining a real refuge for the IDPs who have fled the republic.

78. However, UNHCR does have a role to play in supporting national and local initiatives to prepare Chechnya for the process of re-establishing the rule of law and a civil society. Also, reports of deplorable living conditions and lack of the most basic support to displaced and vulnerable groups in areas of the Republic require UNHCR to attempt to alleviate some of the suffering in Chechnya as well. Current and planned UNHCR protection activities include:

(a) Technical assistance to, and training (to take place outside Chechnya) of the judiciary and staff of the prosecutor's office (in coordination with the OSCE/Office for Democratic Institutions and Human Rights (ODIHR));

(b) Provision of legal counselling and representation before the courts for IDPs through the local NGO Memorial; the three legal offices, two in Grozny and one in Urus-Martan;

(c) Technical assistance to and training of the Collegium of independent advocates of Chechnya;

(d) Provision of technical support and training to the Office of the Special Representative of the President;

(e) Provision of psychosocial counselling to returnees and vulnerable IDPs through VESTA;

(f) Mine awareness through the local NGO Voice of the Mountains;

(g) Recreational activities for the youth in camps to prevent idleness and under-age recruitment.

79. All training activities are being implemented in consultation and/or coordination with Council of Europe observers, OSCE/ODIHR and ICRC. UNHCR humanitarian assistance is being provided through local and/or international NGOs, in coordination with the other United Nations agencies. It is acknowledged that, while UNHCR has an intentionally reduced, emergency-driven (as opposed to reconstruction) assistance programme in Chechnya, other United Nations agencies have a broader involvement.

80. In parallel with these protection activities, targeted humanitarian aid is being provided to returnee families under the form of returnee packages and/or emergency shelter assistance (the "one dry room" approach) and water distribution, scheduled to be handed over to UNICEF by the end of 2001.

81. Besides providing relief to the direct beneficiaries, the provision of legal/social counselling to returnees and IDPs by Memorial and VESTA, and the provision of emergency shelter assistance to returnees serve two other important protection objectives. Firstly, the provision of humanitarian aid in Chechnya has lessened the pressure exercised by the Federal Government on UNHCR to cease or divert its assistance to IDPs in Ingushetia on the pretext that UNHCR (and the United Nations) were "fixing" IDPs in Chechnya and preventing their return de facto. A fair amount of diplomatic effort was spent by UNHCR in 2000 with the Federal Government in an attempt to dissipate such accusations and pressure. As a result, the reality of a safe haven for IDPs in Ingushetia has been preserved. Secondly, the activity reports submitted to UNHCR by Memorial and VESTA do allow UNHCR to have its own source of information regarding the situation of IDPs and returnees in areas of implementation of the projects, thus enhancing the capacity and authority of UNHCR in its contacts with asylum countries in Europe and elsewhere, and in defending the need for the continuous provision of asylum for Chechen refugees in those countries.

D. Office for the Coordination of Humanitarian Affairs

82. Information provided by OCHA is summarized below.

83. The OCHA Office in the Russian Federation operates in several distinct areas. The Office's humanitarian responsibilities include coordination of the response to the complex emergency in the North Caucasus. For this purpose it maintains an office in Moscow, with a sub-office in Nazran, Ingushetia.

84. The internal security conditions in Chechnya continue to be volatile and difficult to manage. Nevertheless, the United Nations is working with the Government, ICRC and NGOs to meet the immediate basic needs of shelter, food, clean water, primary health care and education. Considerable attention is paid to helping people live in safety and dignity, within an internationally recognized legal framework. The international aid community has been addressing these needs, often working in conditions of considerable risk themselves. Despite problems of insecurity and difficulties with access and the freedom of movement, much progress has been made.

85. In the last 12 months, OCHA Moscow/Nazran has continued its support of the Humanitarian Coordinator in the Russian Federation in formulating, monitoring and coordinating the common humanitarian action plan (CHAP) to respond to the humanitarian consequences of the situation in Chechnya.

86. During 2001, the UNHCR, UNICEF, WFP, and WHO have continued to work in the following sectors: protection, food, shelter and non-food items, health, water and sanitation, education, mine awareness, and economic recovery and infrastructure. The number of beneficiaries varied by sector, for example, 205,000 in education or 770,000 in water and sanitation.

87. In 2001, the OCHA Office in the Russian Federation, inter alia:

(a) Negotiated a letter of understanding (LOU) between the Government of the Republic of Chechnya and the United Nations and NGOs on modalities for working to facilitate the delivery of more assistance to civilians in need throughout Chechnya;

(b) Strengthened programme coordination and information exchange among the United Nations agencies and between the United Nations, ICRC and some 40 international and local NGOs involved in aid operations. This was facilitated by regular coordination meetings, needs assessments, information products such as briefing kits and a strategic approach to humanitarian action;

(c) Facilitated regular interaction between the federal and regional governments, donors, the United Nations, ICRC and the NGO community by conducting strategic monitoring, and holding seminars and consultations in order to develop a more principled, coherent and strategic approach to humanitarian action;

(d) Managed the consolidated appeals process and elaborated the 2002 Consolidated Inter-Agency Appeal for the North Caucasus;

(e) Called on the Government. of the Russian Federation to authorize the creation of a United Nations-NGO VHF communication network for staff safety. This issue continues to hinder the extent to which the United Nations and NGO can work in Chechnya;

(f) On 31 October 2001, organized signature of a LOU between the representatives of the humanitarian community and the Government of Chechnya on humanitarian action in Chechnya. Under the document, the Chechen Government undertakes to grant humanitarian workers free access to the affected civilian population and ensure unimpeded movement of humanitarian assistance, for the needy across Chechnya.

E. World Food Programme

88. Information received from WFP is summarized below.

89. Under the coordination of WFP, ICRC and NGO partners distribute food aid to all registered IDPs in Ingushetia. WFP provides basic food commodities, while ICRC and NGOs are responsible for complementary food rations. A recent nutritional survey conducted by UNICEF revealed a high incidence of iron-deficiency anaemia among IDP children and mothers in Ingushetia. Since employment opportunities are limited and IDPs have no source of income, the majority of them are still heavily dependent on humanitarian assistance.

90. IDPs in Ingushetia have expressed their willingness to go back to Chechnya, provided the security situation improves. The Government has encouraged IDPs to return by establishing temporary accommodation; however, conditions - security in particular - are not conducive to their return.

91. The humanitarian situation inside Chechnya continues to deteriorate. Despite security problems, WFP has been delivering basic food commodities through implementing partners to assist some 120,000 IDPs and vulnerable persons (70 per cent of the planned number) in areas affected by the conflict. Recent surveys indicate that 79 per cent of the households are poor and 92 per cent of the population are unemployed. The majority of the population are unable to meet minimum food requirements. Some people survive by resorting to destructive, illegal and/or dangerous coping mechanisms.

92. In 2001, WFP planned to provide food assistance to a total of 335,000 IDPs, 160,000 in Ingushetia and 175,000 inside Chechnya. However, because of food pipeline and security problems, as of October 2001, WFP had only been able to distribute food to 250,000 beneficiaries in both Republics. From January to October 2001, beneficiaries received a per capita daily average calorie intake of 1,700 Kcal. Beneficiaries are given three out of the four basic commodities because of low stocks of sugar and edible oil; these two commodities are distributed alternatively in Ingushetia and Chechnya.

F. International Committee of the Red Cross

93. Information received from the ICRC is summarized below.

94. Beyond its regular relief programmes on behalf of close to 30,000 particularly vulnerable Chechen civilians resident in major urban centres in Chechnya, and important support provided to Chechen hospital structures, medico-social services of the Chechen branch of the Russian Red Cross and the Grozny water board, ICRC also provides drinking water to over 40,000 IDPs from Chechnya in Igushetia and food, as well as non-food assistance, to over 150,000 IDPs in Ingushetia, Dagestan and southern Russia. ICRC also runs an important mine awareness programme specially focused on Chechen children, and trains units of the Russian Federation's armed forces and police in the basic norms of the law of armed conflict.

95. Following a meeting in March 2000 between the President of the Russian Federation Vladimir V. Putin and ICRC President Jakob Kellenberger, an agreement between the Russian Federation and ICRC was signed in May 2000. On the occasion of the visit by Mr. Kellenberger to Moscow on 29 and 30 October 2001 and meetings with, amongst others, Deputy Prime Minister Valentina I. Matvienko, Minister of Justice Yuri Y. Chayka and Minister of Foreign Affairs Igor S. Ivanov, the Government of the Russian Federation reaffirmed its

willingness to extend this agreement, which grants ICRC access to all persons detained in connection with the security operations in the Chechen Republic and confirms, taking security constraints into account, unhindered access of ICRC humanitarian assistance to affected populations in Chechnya and the neighbouring areas of the Northern Caucasus region of the Russian Federation.

96. Since it began visits to places of detention in the Chechen Republic and in other parts of the Russian Federation on 17 May 2000, ICRC has remitted five confidential synthesis reports, including its observations and recommendations concerning the treatment afforded detainees and conditions of detention, to the relevant authorities of the Russian Federation.

97. From May 2000 to the end of October 2001, ICRC undertook 124 visits to 42 places of detention, including 13 places in the Chechen Republic.

98. ICRC delegates enjoy functional, fruitful and frank working relations with all civilian and military authorities in the Russian Federation, including the Chechen Republic.

G. Non-governmental organizations

99. Non-governmental organizations, both international and national, have closely followed the human rights situation in Chechnya. Regular reports are provided by, among others, Human Rights Watch, Amnesty International and Memorial. In their reports, NGOs refer to continuing human rights violations in Chechnya, the need for a national independent commission of inquiry and specific allegations of arbitrary, often incommunicado, detention, forced disappearances, torture, looting and extrajudicial executions.

100. Memorial has sent numerous letters and reports to OHCHR during the past year regarding human rights in Chechnya. It continues to work in the Chechen Republic and in the neighbouring regions. In the Chechen Republic, Memorial has three legal assistance offices, in Grozny, Gudermes and Urus-Martan. They report that the human rights situation in Chechnya has not improved during the last year. Memorial considers the main problems to include the continued practice of "clean-up" operations, which are frequently accompanied by the beating, abuse and looting of the civilian population. They allege that people who are detained as a result of these operations often disappear, and in those cases when bodies are found, there are frequently marks of torture. Further, they contend that during these "clean-up" operations, members of the Russian armed forces regularly demand illegal payments from relatives in exchange for not detaining people, or for the release of detained persons. Memorial has regularly reported on such "clean-up" operations, and particular concern was raised over such cases in June and July and December 2001 and January 2002. Memorial continues to be concerned about the lack of will on the part of the military and civilian procuracy to investigate such allegations and prosecute the perpetrators, even in cases where there is clear evidence.

101. In 2001, Human Rights Watch reported that it continued to document serious abuses of human rights by Russian forces in Chechnya, including what it considered to be a pervasive pattern of enforced disappearances and a series of unprecedentedly harsh "clean-up" operations in at least six villages in June and July 2001 and similar actions in December 2001, as the situation deteriorated significantly. In well over 100 interviews in July and 50 in December,

eyewitnesses testified about dozens of extrajudicial executions and enforced disappearances, widespread use of torture and ill-treatment, thousands of cases of arbitrary detention, as well as large-scale extortion, looting and destruction of civilian property.

102. Research by Human Rights Watch found that the Government of the Russian Federation continues to resist a meaningful accountability process. While officials claim they have launched hundreds of inquiries into abuses against civilians, the vast majority of these investigations have been suspended and only a small fraction have progressed to the courts. None of these cases relates to torture, which Human Rights Watch considers to be one of the main abuses committed in the Chechen Republic. Human Rights Watch continues to call for the establishment of an independent commission of inquiry, as did the Commission on Human Rights in its resolution 2001/24. In the absence of such a commission, it urges the Government to provide a detailed report on investigations into abuses committed by its forces in Chechnya. It also stresses the urgent need for the special procedures of the Commission to carry out fact-finding missions to Chechnya and to report their findings to the Commission.

V. CONCLUSIONS

103. The detailed information provided by the Government of the Russian Federation is welcomed by the Office of the High Commissioner for Human Rights.

104. In her approach to the issue of human rights in Chechnya, the High Commissioner has stressed the importance of a credible response from the Russian authorities commensurate with the scale of the allegations of serious human rights abuses. She has recommended an independent, wide-ranging inquiry as the most appropriate way to address concerns. It is noted that, while a number of constructive mechanisms have been put in place, none possesses all the attributes which would normally be associated with such an independent inquiry.

105. Reports of serious human rights violations carried out by Chechen fighters against federal and local authorities and against civilians continue, including kidnapping and hostage-taking, and failure to observe international human rights and humanitarian law. The High Commissioner urges those responsible to cease such attacks.

106. The Russian authorities advise that considerable funds have been allocated to improve the economic and social infrastructure in Chechnya. Nevertheless, the situation regarding the economic, social and cultural rights of the Chechen people and in the region remains a matter of serious concern. There has been no significant return of displaced persons. Humanitarian agencies report that security concerns of IDPs have also been a major impediment to return to Chechnya.

107. Humanitarian agencies continue to be severely restricted in their activities, primarily because of security reasons. This problem needs to be addressed. In particular, the High Commissioner supports the call by international and governmental humanitarian organizations and NGOs on the Government of the Russian Federation to authorize the creation of a United Nations-NGO VHF communication network for staff safety. This issue continues to hinder the extent to which the United Nations and NGOs can work in Chechnya.

108. The High Commissioner remains convinced that visits by the special procedures of the Commission on Human Rights could play a vital role in achieving progress in the promotion and protection of human rights in Chechnya, and believes that it is important that all of the relevant invitations be extended. The High Commissioner reiterates her willingness to visit the region again if this could be of assistance. OHCHR is ready, in cooperation with partners, to expand its technical cooperation with the Government of the Russian Federation in order to assist it in meeting needs in Chechnya. OHCHR is also ready to provide further assistance in regard to procedures for addressing human rights violations adequately and assistance in the reconciliation processes.